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September 24, 2021

VIA ECF

Magistrate Judge Louis Bloom
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Minhye Park v. David Kim, M.D.
Docket: 1:20-CV-02636(PC)

Dear Judge Bloom:

This letter is in response to the Court's order dated September 20, 2021, directing the parties to file a letter regarding the status of plaintiff's deposition noticed to be held on September 20, 2021 and the status of rescheduling plaintiff's deposition. Defendant rejected to submit the joint letter because Plaintiff filed a motion for sanctions.

Plaintiff's position is as follows: Rule 30(b) (1) requires that a deposition notice identify the time and place of the deposition. In a remote deposition, **this location is deemed to be the "place where the deponent answers the questions" under Rule 30(b) (4).** The Defendant should not be allowed to treat Plaintiff inhumanely and tortuously by performing an **overnight deposition of Plaintiff**. Due to the time difference of thirteen (13) hours between South Korea and New York, on September 17, 2021, September 18, 2021 and September 19, 2021, Plaintiff suggested to the Defendant that Plaintiff be ready, willing and able to attend her deposition on September 20, 2021 **between 09:00AM and MIDNIGHT in South Korea Time (Between 10:00PM to 11:00AM New York Time.)** Plaintiff rejected the time from 10:00 AM to 5:00 PM EST (from 23:00 PM to 6:00AM in South Korea Time) and notified the Plaintiff's rejection to Defendant, the court reporter and the Korean interpreter. Plaintiff believed it was cancelled since Plaintiff has not received any further notice or phone call on September 19, 2021 or September 20, 2021 from the defendant.

As for the rescheduling depositions, Plaintiff should be able to attend her deposition on September 29, 2021 starting time to 08:00 AM, New York Time (21:00 PM South Korea Time). Plaintiff also requested that the deposition be finished at midnight South Korean Time. Alternatively, the Plaintiff suggested starting at 20:00 PM New York Time (09:00 AM South Korea Time) if Defendant wants to continue seven (7) hours a day.

With respect to the deposition of Defendant, as Plaintiff served the 2nd notice of deposition of the Defendant, it will start on the 30st day of September 2021 at 10:00AM EST and will continue consistent with Rule 30 (d) until it is completed.

Unfortunately, parties were unable to stipulate the time of the Plaintiff's deposition.

Respectfully submitted,

/s/ Jae S. Lee

Jae S. Lee

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for Plaintiff

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